

AMENDED IN SENATE JULY 7, 2009
AMENDED IN SENATE JUNE 24, 2009
AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 827

**Introduced by Assembly Member Yamada
(Coauthor: Assembly Member Beall)**

February 26, 2009

An act to add Section 26158 to the Government Code, relating to records.

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as amended, Yamada. Records.

Existing law requires the county recorder to charge and collect certain fees for the filing or recording of various property-related instruments, papers, or notices.

This bill would authorize a county board of supervisors to provide for the archiving of historical county records, including, but not limited to, records pertaining to real property, local agency meetings and actions, roads and other public works, and other records of general public or historical interest. The bill would authorize the board of supervisors to adopt and impose a fee on the recording of property-related documents, the amount of which would be prohibited from exceeding the estimated reasonable cost of providing archival services with regard to these documents, ~~but not more than~~ *not to exceed* \$3 per document.

The bill would ~~authorize the county recorder~~ *require the board of supervisors* to expend the proceeds from the fee only to defray the cost of providing archival services in connection with property-related

documents, as specified, and would require these archival services to conform with certain professional practices.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26158 is added to the Government Code,
2 to read:
3 26158. (a) The board of supervisors may provide for the
4 archiving of historical county records, including, but not limited
5 to, records pertaining to real property, local agency meetings and
6 actions, roads and other public works, and other records of general
7 public or historical interest.
8 (b) For purposes of funding a portion of the cost of the activities
9 specified in subdivision (a), the board of supervisors may adopt
10 and impose a fee on the recording of property-related documents
11 that refer to one or more previously recorded documents, previously
12 archived documents, or both. This fee shall be set at an amount
13 that does not exceed the estimated reasonable costs of providing
14 the archival services authorized by this section with respect to
15 deeds, indentures, surveys, parcel and subdivision maps, and other
16 property-related documents, ~~but~~ and shall not exceed three dollars
17 (\$3) per document.
18 (c) The board of supervisors shall direct the county recorder to
19 deposit the fees collected pursuant to this section into a special
20 fund. ~~The county recorder may~~ *board of supervisors shall* expend
21 the proceeds from the fund only to defray the cost of providing
22 archival services in connection with property-related documents,
23 including, but not limited to, all of the following:
24 (1) Costs associated with indexing those documents.
25 (2) Providing reasonable access to those documents, and
26 assisting the public with regard to those documents.
27 (3) Preserving those documents in a manner that ensures their
28 physical integrity, security, and longevity.
29 (d) ~~The archival services provided by a county recorder~~ that are
30 funded by the proceeds generated by the fee imposed pursuant to
31 this section shall conform with the professional practices

- 1 recommended by the Society of American Archivists for the
- 2 management, care, and preservation of historical records.

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